

**MINUTES  
FREMONT CITY COUNCIL MEETING  
SEPTEMBER 6, 2011  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** Mayor Wasserman led the salute to the flag.

**1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Harrison.  
Absent: Councilmember Dutra.

**1.4 Announcements by Mayor/City Manager**

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes – None.**

- \* **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Precise Plan for Planned District P-2005-80 (VILLA D'ESTE) Located at the Southeast Corner of Ardenwood Boulevard and Paseo Padre Parkway in the Northern Plain Planning Area**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Ordinance No. 11-2011.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

\*Consent Items

\* **2.4 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located at the Southeast Corner of the Intersection of Mowry Avenue and Guardino Drive from Multi-Family Residence District (R-3-18) to Planned District P-2011-154**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Ordinance No. 12-2011.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

\* **2.5 Mayor Wasserman opened consideration of Approval of the Partial Release of Improvement Security Required by the Improvement Agreement for Tract 7759, Based on the Partial Completion of Improvements**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council approved the partial release of improvement security for Tract 7759 private improvements in the amount of \$1,589,000, retaining \$628,000 in security until acceptance of the private improvements by the City Engineer.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

\* **2.6 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider Introducing an Ordinance for a One-Year Extension of a Franchise Agreement with Air Products and Chemicals, Inc.**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council held a public hearing and introduced an ordinance extending a Franchise Agreement with Air Products and Chemicals, Inc., for a one-year term.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.7 Mayor Wasserman opened consideration of Annual Delegation of Authority to City Treasurer to Manage Investments, and Annual Approval of Investment Policy**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2011-51 delegating the City Council's authority to invest and reinvest public funds, and to sell or exchange securities so purchased, to the Finance Director/City Treasurer for one year or until earlier revoked by the City Council; and approving the City's investment policy statement for FY 2011/12.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.8 Mayor Wasserman opened consideration of a Resolution Approving a New Memorandum of Understanding (2011-2013) with the Professional Engineers and Technicians Association (PETA)**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2011-52 approving a two-year Memorandum of Understanding (MOU) for the period of July 1, 2011 through June 30, 2013 between the City and the Professional Engineers and Technicians Association (PETA) and authorized the City Manager to execute the MOU.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.9 Mayor Wasserman opened consideration of a Resolution approving a new Memorandum of Understanding (2011-2013) with the Fremont Association of Management Employees (FAME)**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2011-53 approving a two-year Memorandum of Understanding (MOU) for the period of July 1, 2011 through June 30, 2013 between the City and the Fremont Association of Management Employees (FAME) and authorized the City Manager to execute the MOU.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.10 Mayor Wasserman opened consideration of a Resolution Approving a new Memorandum of Understanding (2011 – 2013) with Teamsters Local 856 MOU**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2011-54 approving a two-year Memorandum of Understanding (MOU) for the period of July 1, 2011 through June 30, 2013 between the City and Teamsters Local 856, and authorized the City Manager to execute the MOU.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

**3. CEREMONIAL ITEMS**

**3.1 Resolution: Joining the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>.**

**4. PUBLIC COMMUNICATIONS**

**4.1 Oral and Written Communications**

Ron Cohen provided a resolution to City Council requesting the end of fluoridation of local drinking water. Wynn Gricich (Fluoride Action Network & A.T.O.W.N.) expressed concern about the potential contamination of local drinking water. Miriam Keller (League of Women Voters of Fremont, Newark and Union City) invited Councilmembers and staff to the League's Kickoff meeting on September 12<sup>th</sup> and provided information regarding its guest speakers.

**5. SCHEDULED ITEMS**

**5.1 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider Final Tract Map 8089 for a Reversion to Acreage of a Vacant 0.61-Acre Parcel which was Previously Approved for a 10-Lot Residential Subdivision, and a Rezoning of the Property from Planned District P-2001-174 to Multi-Family Residence, R-3-23. (PLN2011-00273)**

\*(This item was added to the Consent Calendar)

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing;
2. Found that the proposed rezoning is categorically exempt from the California Environmental Quality Act (CEQA) per Guideline 15061(b)(3) in that it is not a project that has the potential to have a significant impact on the environment, and that the

- proposed Reversion to Acreage is exempt from CEQA per Guideline 15305 which exempts minor alterations in land use limitations;
3. Found the project consistent with the General Plan for the reasons enumerated in this staff report;
  4. Determined that the findings required pursuant to FMC Section 8-1705 and §66499.16 of the Subdivision Map Act can be made in support of the proposed Reversion to Acreage based on the findings set forth in Exhibit “C”;
  5. Adopted Resolution No. 2011-55 approving Final Map 8089, a Reversion to Acreage of Tract 7479, as shown on Exhibit “B”, based on the findings set forth in Exhibit “C”;
  6. Found that the proposed Rezoning fulfills the applicable requirements set forth in Section 8-23108 of the Fremont Municipal Code based on the findings and subject to the conditions set forth in Exhibit “C”;
  7. Introduced an ordinance rezoning the property from Precise Planned District (P-2001-174) to Multi-Family Residence, R-3-23, as shown on Exhibit “A”; and
  8. Directed staff to prepare and the clerk to publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra

Noes: None

Absent: None

Abstain: None

## 6. REPORT FROM CITY ATTORNEY

### 6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action

## 7. OTHER BUSINESS – None.

## 8. COUNCIL COMMUNICATIONS

### 8.1 Council Referrals

- 8.1.1 MAYOR WASSERMAN REFERRAL: Appointments to the Senior Citizens Commission and the Youth Advisory Commission.

#### Appointment:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Senior Citizens Commission	Kathryn Kimberlin	December 31, 2014
Youth Advisory Commission	Rahil Hudda	December 31, 2011
Youth Advisory Commission	Rhea Nayak	December 31, 2011
Youth Advisory Commission	Meghna Srivastava	December 31, 2012

### 8.2 Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 7:50 p.m. in memory of Jack Parry, a former City Councilmember and Planning Commissioner.

Attest:

Approved:

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Susan Gauthier, Deputy City Clerk

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ANU NATARAJAN, Vice Mayor